

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6073**

**BILL NUMBER:** HB 1275

**DATE PREPARED:** Jan 31, 2002

**BILL AMENDED:** Jan 29, 2002

**SUBJECT:** Department of Correction Ombudsmen.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) It establishes the Department of Correction Ombudsman Bureau within the Indiana Department of Administration. It provides that the Department of Administration shall determine salaries and other personnel matters of the Department of Correction Ombudsman Bureau. It authorizes an Ombudsman to receive, investigate, and attempt to resolve complaints from persons who allege their health or safety has been endangered or that the Department of Correction has violated a law, rule, or written policy. It specifies that the Department of Correction Ombudsman has no authority to investigate complaints from Department of Correction employees relating to their employment. It provides that an Ombudsman is immune from civil liability for the good faith performance of official duties and that a person who provides records to the Ombudsman is immune from civil and criminal liability.

(B) It makes certain actions that impede an Ombudsman's investigation a Class A misdemeanor.

(C) It requires the Board of Correction to approve or disapprove before implementation any resolution, directive, or other statement of the Department of Correction (DOC) that relates to departmental organization or policy. It provides that a bylaw adopted by the Board before October 1, 1980 (the date on which the enactment of IC 11-8-2-3 became effective) is void.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:** (Revised) Provision A: The Ombudsman would be established as a separate bureau in the Department of Administration.

For illustrative purposes, a comparable office and position of Long-Term Care Ombudsman exists within the Family and Social Services Administration. The annual costs to operate this office are \$135,000. The

administrative budget for the Office of the Long Term Care Ombudsman is provided in the table, below.

<u>Item</u>	<u>Budget</u>
Personnel Costs (Ombudsman)	\$56,700
Other Services ( i.e. telephone, subscriptions)	\$4,820
Services by Contract	\$45,076
Supplies	\$14,806
Equipment	\$3,682
Indirect Costs	\$7,710
Out-of-State Travel	<u>\$2,500</u>
Total Costs	<u>\$135,294</u>

Provision C would increase the amount of oversight that the Board of Correction would have over the Department of Correction. However, it is not likely to significantly affect the operating costs of the Department.

**Explanation of State Revenues:** Provision B establishes a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** Provision B: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** Provision B: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Board of Correction, Department of Administration.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Family and Social Services Administration, Office of the Long-Term Care Ombudsman.